

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick Miles et al.

Title: SURGICAL ACCESS SYSTEM AND RELATED METHODS

Docket No.: 80100.014US1

Filed: February 27, 2004

Examiner: Unknown



Serial No.: 10/789,797

Due Date: N/A

Group Art Unit: Unknown

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

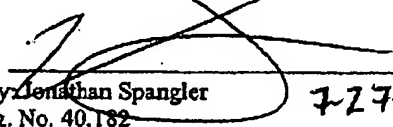
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.☒ An Information Disclosure Statement (2 pgs.), Form 1449 (5 pgs.), and copies of 24 cited documents.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 50-2040.

CUSTOMER NUMBER 30,328, (858-527-1936)

By:   
Atty: Jonathan Spangler  
Reg. No. 40,182

727-04

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of July, 2004.

MEREDITH MESCHER

Name

Meredith Mescher

Signature

(GENERAL)

S/N 10/789,797PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Patrick Miles et al.	Examiner:	Unknown
Serial No.:	10/789,797	Group Art Unit:	Unknown
Filed:	February 27, 2004	Docket:	80100.014US1
Title:	Surgical Access System and Related Methods		

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 50-2040 in order to have this Information Disclosure Statement considered.

Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2) and has included for the examiner's consideration copies of International Search Reports for the following PCT applications: PCT/US00/32329, PCT/US01/18606, PCT/US01/18579, PCT/US02/22247, PCT/US03/02056, PCT/US/02/35047, and PCT/US02/30617 which are also list on the 1449 form enclosed herewith.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

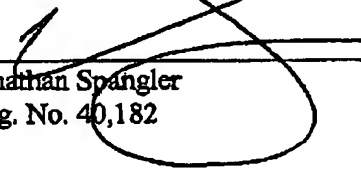
Respectfully submitted,

PATRICK MILES ET AL.

By their Representatives,

CUSTOMER NUMBER 30,328  
858-527-1936

Date 7-27-04

By   
Jonathan Spangler  
Reg. No. 40,182

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MEREDITH NESCHER  
Name

Meredith Mescher  
Signature

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Complete if Known

Application Number	10/789,797
Filing Date	February 27, 2004
First Named Inventor	Miles, Patrick
Group Art Unit	Unknown
Examiner Name	Unknown

Sheet 1 of 5

Attorney Docket No: 80100.014US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-2002/0007129 A1	01/17/2002	Marino, J. F.	600	546	06/08/2001
	US-2002/0072686 A1	06/13/2002	Hoey, M. , et al.	600	547	05/18/2001
	US-2,704,064	03/15/1955	Fizzell, J. A., et al.	128	2.1	09/10/1952
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EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Complete if Known

<b>Application Number</b>	10/789,797
<b>Filing Date</b>	February 27, 2004
<b>First Named Inventor</b>	Miles, Patrick
<b>Group Art Unit</b>	Unknown
<b>Examiner Name</b>	Unknown

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Attorney Docket No: 80100.014US1

	US-5,007,902	04/16/1991	Witt, H.	604	117	02/22/1989
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	US-5,196,015	03/23/1993	Neubardt, Seth L.	606	61	04/30/1992
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EXAMINER

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<b>Application Number</b>	10/789,797
<b>Filing Date</b>	February 27, 2004
<b>First Named Inventor</b>	Miles, Patrick
<b>Group Art Unit</b>	Unknown
<b>Examiner Name</b>	Unknown

Sheet 3 of 5

Attorney Docket No: 80100.014US1

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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>
	WO-0066217A1	11/09/2000	Epstein, R., et al.	A61N	1/36	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Electromyography System", International Search Report, International Application No. PCT/US00/32329, (April 27, 2001), 9 pages	
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EXAMINER

DATE CONSIDERED

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Application Number	10/789,797
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Group Art Unit	Unknown
Examiner Name	Unknown

Sheet 4 of 5

Attorney Docket No: 80100.014US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"System and Methods for Determining Nerve Direction to a Surgical Instrument", <u>International Search Report</u> , International Application No. PCT/US03/02056, (August 12, 2003), 5 pages	
		"Systems and Methods for Performing Percutaneous Pedicle Integrity Assessments", <u>International Search Report</u> , International Application No. PCT/US02/35047, (August 11, 2003), 5 pages	
		"Systems and Methods for Performing Surgery Procedures and Assessments", <u>International Search Report</u> , International Application No. PCT/US02/30617, (June 5, 2003), 4 pages	
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Sheet 5 of 5

Attorney Docket No: 80100.014US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		RAYMOND, et al., "The Nerve Seeker: A System for Automated Nerve Localization", <u>Regional Anesthesia</u> , 17(3), (1992),151-162	
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